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OCT 01 2007
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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| UNITED STATES OF AMERICA, Plaintiff. | Magistrate Case No.: |
| V. | COMPLAINT FOR VIOLATION OF |
| | 21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony) |
| Gerardo CESENA, Defendant. | |

The undersigned complainant being duly sworn states:

That on September 29, 2007, within the Southern District of California, defendant Gerardo CESENA did knowingly and intentionally import approximately 95.96 kilograms (211.11 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 1st DAY OF OCTOBER 2007.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA

V.

Gerardo CESENA

STATEMENT OF FACTS

This statement of facts is based on the reports, documents, and notes furnished to U. S. Immigration and Customs Enforcement Special Agent Stiefer.

On September 29, 2007, at approximately 2115 hours, Gerardo CESENA entered the United States through the Andrade, California Port of Entry. CESENA was the driver, and sole occupant of a 1968 Ford Truck bearing California license plate 2GZL804, which was towing a trailer bearing California license plate 4AJ5270.

On primary, Customs and Border Protection Officer (CBPO) M. Liebelt inquired as to the citizenship of CESENA. CESENA stated that he was a United States citizen, and presented a temporary license to CBPO Liebelt. CBPO Liebelt then began to inspect the vehicle and trailer. Upon inspection of the trailer, CBPO Liebelt observed a depth discrepancy in the floor area. Due to the above stated reason, CESENA and the 1968 Ford along with the trailer were referred for secondary inspection.

In secondary, CBPO B. Benitez received a negative Customs declaration from CESENA. CBPO Benitez began an inspection of the trailer, and observed a depth discrepancy in the floor. Upon drilling a hole into the trailer, CBPO Benitez noticed a faint smell of marijuana. CBPO Benitez then requested a canine unit to screen the vehicle. As requested, a canine unit screened the vehicle, and alerted to the floor area of the trailer.

A subsequent inspection of the vehicle revealed thirty (30) packages concealed within a non-factory compartment located in the floor of the trailer. CBPO B. Benitez probed a package and a sample of a green, leafy substance was obtained, which field-tested positive for marijuana. The thirty (30) packages had a combined net weight of approximately 95.96 kilograms (211.11 pounds) of marijuana.